

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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2004 MAY 25 P 4:40

BECTON DICKINSON and Company,

Plaintiff,

v.

THERASENSE, INC.,

Defendant.

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO. 04-10574JLT

**THERASENSE, INC.'S ASSENTED TO MOTION
FOR ADMISSION PRO HAC VICE OF
TED DANE AND JEFFREY I. WEINBERGER**

Pursuant to Local Rule 85.5.3, Joshua M. Dalton, a member in good standing of the Bar of this Court and counsel of record for defendant TheraSense, Inc. ("TheraSense"), hereby moves for the admission *pro hac vice* of Ted Dane and Jeffrey I. Weinberger of Munger, Tolles & Olson LLP, 355 South Grand Avenue, Los Angeles, California, to appear and practice in this Court in this case to represent TheraSense. Plaintiff has assented to and does not oppose this motion.

Messrs. Dane and Weinberger are co-counsel for TheraSense and have thorough knowledge of the issues raised by the pleadings in this action. Their participation in this action is important to the full and complete representation of TheraSense.

Mr. Dane is a member in good standing of the Bar of the State of California, and is admitted to practice in the United States Federal Courts for the Southern, Central, Eastern and Northern Districts of California and the District of Arizona, the United States Court of Appeals for the 7th, 9th, and Federal Circuits, and the United States Supreme Court.

Mr. Weinberger is a member in good standing of the Bar of the State of California, and is admitted to practice in the United States District Court for the Southern District of New York, the United States District Courts for the Central, Southern, and Eastern Districts of California, the United States Courts of Appeals for the 9th, 4th, 11th and Federal Circuits, and the United States Supreme Court.

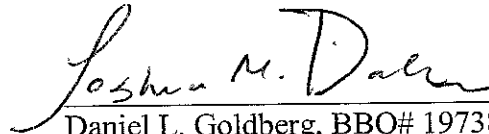
There are no disciplinary proceedings pending against Messrs. Dane and Weinberger in any jurisdiction, and they are familiar with the Local Rules of this Court.

In support of this motion, the Certificates of Messrs. Dane and Weinberger pursuant to Local Rule 83.5.3(b) are submitted herewith.

Respectfully submitted,

THERASENSE, INC.

By its attorneys,

A handwritten signature in cursive script, appearing to read "Joshua M. Dalton", is written over a horizontal line.

Daniel L. Goldberg, BBO# 197380

Joshua M. Dalton, BBO# 636402

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Of Counsel:

Ted Dane

Jeffrey I. Weinberger

Munger, Tolles & Olson LLP

355 South Grand Avenue

Los Angeles, California

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Dated: May 25, 2004

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I, Matthew L. Mitchell, hereby certify that counsel for TheraSense has contacted Plaintiff's counsel in an effort to resolve or narrow the issues presented in this motion.


Matthew L. Mitchell

CERTIFICATE OF SERVICE

I, Matthew L. Mitchell, hereby certify that a true copy of the foregoing was served on Plaintiff's counsel by first-class mail, postage prepaid, on or about May 25, 2004.


Matthew L. Mitchell